APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,473	01/19/2001	Steven D. Kim	050906-1050	1039

24504   7590   08/19/2009
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER
AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
08/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/766,473
Filing Date: January 19, 2001
Appellant(s): KIM ET AL.

_____
Karen G. Hazzah
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 17 April 2009 appealing from the Office

action mailed 17 November 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20010037380	**WALL ET AL**	**11-2001**
6,718,347	**WILSON**	**4-2004**

6,560,639   **DAN ET AL.**   5-2003

6,496,858   **FRAILONG ET AL.**   12-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

2.   Claims 12, 14, 18, 26, 27, 29, 33, 34 and 36-38 rejected under 35 U.S.C. 103(a)

as being unpatentable over Frailong et al. (US 6,496,858 B1), hereinafter referred to as

Frailong, in view of Wall et al. (US 2001/0037380 A1), hereinafter referred to as Wall.

3.   Regarding claim 12, Frailong teaches a method of synchronizing configuration

parameters (col. 5, ll. 16-19) on a server with a database of stored configuration

parameters (col. 5, ll. 24-26) comprising:

        automatically updating at least one application program configuration parameter

on the server in response to receiving an update of at least one corresponding stored

application configuration parameter in said database (col. 17, ll. 54-59).

        Frailong teaches the synchronization of configuration parameters but does not

explicitly teach "the update initiated by a particular customer of a web hosting provider"

and the "configuration parameter defines at least in part a quantity of a resource on the

server." However, in related art, Wall teaches on these two aspects of the claimed

invention. First, Wall teaches "the update initiated by a particular customer of a web

hosting provider" wherein Wall teaches requests by users to perform updates to web

site parameters and documents to be conducted by the web site hosting computer

system (p. 1, para. 0005, 0019). Corresponding information to the user account is

adjusted appropriately with respect to goods and services that are needed to be

personalized and configured (p. 1, para. 0005). Second, Wall teaches "configuration

parameter defines at least in part a quantity of a resource on the server" wherein Wall

teaches the determination of web documents needed for acquisition by the web site

hosting provider in response to the user's request with respect to personalization and

configuration (p. 1, para. 0005). One of ordinary skill in the art at the time of the

applicant's invention would have found it obvious to combine the teachings of Wall with

Frailong. One of ordinary skill in the art would have been motivated to combine the

teachings of Wall wherein Wall teaches the direct access by users to handle web site

maintenance and be assisted by a web site hosting provider to help users that may lack

the expertise necessary to maintain a web site (Wall, p. 1, para. 0002-3).

4.   Regarding claim 14, Frailong and Wall teach the method wherein the set of

resources comprises a network address (Frailong, col. 5, ll. 37-40).

5.   Regarding claim 18, Frailong discloses an information processing system

comprising:

        at least one network server running at least one application program, wherein

application program operation is defined at least in part by a set of configuration

parameters stored on said at least one network server and associated with said

application program operation (col. 4, ll. 58-65, device contains APIs and

communications with a remote server);

        a database separate from said at least one network server and storing a copy of

said set of configuration parameters (col. 5, ll. 30-36, remote management stores

configuration parameters in a repository); and

        means for automatically maintaining synchronization between said set of

configuration parameters stored on said at least one network server and said copy of

said set of configuration parameters stored in said database.

        Frailong teaches the synchronization of configuration parameters but does not

explicitly teach "the update initiated by a particular customer of a web hosting provider"

and the "configuration parameter defines at least in part a quantity of a resource on the

server." However, in related art, Wall teaches on these two aspects of the claimed

invention. First, Wall teaches "the update initiated by a particular customer of a web hosting provider" wherein Wall teaches requests by users to perform updates to web site parameters and documents to be conducted by the web site hosting computer system (p. 1, para. 0005, 0019). Corresponding information to the user account is adjusted appropriately with respect to goods and services that are needed to be personalized and configured (p. 1, para. 0005). Second, Wall teaches "configuration parameter defines at least in part a quantity of a resource on the server" wherein Wall teaches the determination of web documents needed for acquisition by the web site hosting provider in response to the user's request with respect to personalization and configuration (p. 1, para. 0005). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Wall with Frailong. One of ordinary skill in the art would have been motivated to combine the teachings of Wall wherein Wall teaches the direct access by users to handle web site maintenance and be assisted by a web site hosting provider to help users that may lack the expertise necessary to maintain a web site (Wall, p. 1, para. 0002-3).

6.   Regarding claim 26, Frailong discloses an information processing system comprising:

at least one network server running at least one application program, wherein application program operation is defined at least in part by a set of configuration parameters stored on said at least one network server and associated with said application program operation (col. 4, ll. 58-65, device contains APIs and communications with a remote server);

a database separate from said at least one network server and storing a copy of

said set of configuration parameters (col. 5, ll. 30-36, remote management stores

configuration parameters in a repository); and

means for automatically maintaining synchronization between said set of

configuration parameters stored on said at least one network server and said copy of

said set of configuration parameters stored in said database.

Frailong teaches the synchronization of configuration parameters but does not

explicitly teach "the update initiated by a particular customer of a web hosting provider"

and the "configuration parameter defines at least in part a quantity of a resource on the

server." However, in related art, Wall teaches on these two aspects of the claimed

invention. First, Wall teaches "the update initiated by a particular customer of a web

hosting provider" wherein Wall teaches requests by users to perform updates to web

site parameters and documents to be conducted by the web site hosting computer

system (p. 1, para. 0005, 0019). Corresponding information to the user account is

adjusted appropriately with respect to goods and services that are needed to be

personalized and configured (p. 1, para. 0005). Second, Wall teaches "configuration

parameter defines at least in part a quantity of a resource on the server" wherein Wall

teaches the determination of web documents needed for acquisition by the web site

hosting provider in response to the user's request with respect to personalization and

configuration (p. 1, para. 0005). One of ordinary skill in the art at the time of the

applicant's invention would have found it obvious to combine the teachings of Wall with

Frailong. One of ordinary skill in the art would have been motivated to combine the

teachings of Wall wherein Wall teaches the direct access by users to handle web site

maintenance and be assisted by a web site hosting provider to help users that may lack

the expertise necessary to maintain a web site (Wall, p. 1, para. 0002-3).

7.   Regarding claim 27, Frailong and Wall teach the method wherein the server is

operated by a web-hosting providing (Wall, p. 1, para. 0005) and each application

program configuration parameter defines at least in part a set of resources on the server

available to a particular customer of the web hosting provider (Frailong, col. 5, ll. 37-40

and Wall, p. 1, para. 0005).

8.   Regarding claim 29, Frailong and Wall teach the method wherein the set of

resources comprises a network address (Frailong, col. 5, ll. 37-40).

9.   Regarding claim 33, Frailong teaches a method of synchronizing configuration

parameters (col. 5, ll. 16-19) on a server with a database of stored configuration

parameters (col. 5, ll. 24-26) comprising:

        automatically updating at least one application program configuration parameter

on the server in response to receiving an update of at least one corresponding stored

application configuration parameter in said database (col. 17, ll. 54-59).

        Frailong teaches the synchronization of configuration parameters but does not

explicitly teach "the update initiated by a particular customer of a web hosting provider"

and the "configuration parameter defines at least in part a quantity of a resource on the

server." However, in related art, Wall teaches on these two aspects of the claimed

invention. First, Wall teaches "the update initiated by a particular customer of a web

hosting provider" wherein Wall teaches requests by users to perform updates to web

site parameters and documents to be conducted by the web site hosting computer

system (p. 1, para. 0005, 0019). Corresponding information to the user account is

adjusted appropriately with respect to goods and services that are needed to be

personalized and configured (p. 1, para. 0005). Second, Wall teaches "configuration

parameter defines at least in part a quantity of a resource on the server" wherein Wall

teaches the determination of web documents needed for acquisition by the web site

hosting provider in response to the user's request with respect to personalization and

configuration (p. 1, para. 0005). One of ordinary skill in the art at the time of the

applicant's invention would have found it obvious to combine the teachings of Wall with

Frailong. One of ordinary skill in the art would have been motivated to combine the

teachings of Wall wherein Wall teaches the direct access by users to handle web site

maintenance and be assisted by a web site hosting provider to help users that may lack

the expertise necessary to maintain a web site (Wall, p. 1, para. 0002-3).

10.   Regarding claim 34, Frailong and Wall teach the system wherein the server is

operated by a web-hosting provider and the quantity of the resource is made available

to a particular customer of the web hosting provider (Wall, p. 1, para. 0005).

11.   Regarding claim 36, Frailong and Wall teach the system wherein the

automatically updating further comprises:

        updating the corresponding stored application configuration parameter in said

database in response to a request from the particular user (Wall, p. 1, para. 0019);

triggering a daemon to run on the server, wherein the triggering is responsive to the updating the corresponding stored application configuration parameter in said database (Frailong, col. 17, ll. 54-59).

12.   Regarding claim 37, Frailong and Wall teach the system wherein the automatically updating further comprises:

receiving a request, from the particular user, for an update to the corresponding stored application configuration parameter in said database (Wall, p. 1, para. 0019);

updating the corresponding stored application configuration parameter in said database, responsive to the receiving (Frailong, col. 17, ll. 54-59);

triggering a daemon to run on the server, wherein the triggering is responsive to the updating the corresponding stored application configuration parameter in said database (Frailong, col. 17, ll. 54-59).

13.   Regarding claim 38, Frailong and Wall teach the system wherein the automatically updating further comprises:

receiving a selection, from the particular user, of the corresponding stored application configuration parameter in said database, from one of a plurality of stored application configuration parameters (Wall, p. 1, para. 0019);

receiving a request, from the particular user, for an update to the selected corresponding stored application configuration parameter in said database (Wall, p. 1, para. 0019);

updating the selected corresponding stored application configuration parameter in said database, responsive to the receiving (Frailong, col. 17, ll. 54-59);

triggering a daemon to run on the server, wherein the triggering is responsive to

the updating the selected corresponding stored application configuration parameter in

said database (Frailong, col. 17, ll. 54-59).

14.   Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Frailong and Wall in view of Wilson (US 6,718,347).

15.   Regarding claim 8, Frailong teaches the updating of information in a database

(col. 17, ll. 54-59) but does not explicitly teach reversing a database update in the event

of an indication of an error during the process of updating the server. However, in

related art, Wilson teaches on this aspect wherein Wilson teaches the detection of

errors when performing database operations and when an error has been detected

commands can be re-executed. One of ordinary skill in the art at the time of the

applicants' invention would have found it obvious to incorporate the teachings of Wilson

with the teachings of Frailong and Wall. One of ordinary skill in the art would have been

motivated to make such a combination as suggested by Wilson wherein Wilson teaches

the importance of coherence between databases on separate servers (col. 2, ll. 50-58)

and the reduction of error occurrences (col. 19, ll. 11-14).

16.   Regarding claim 9, Frailong teaches the updating of information in a database

(col. 17, ll. 54-59) but does not explicitly teach the method of additionally comprising

suspending a database update for a predefined period. However, in related art, Wilson

teaches on this aspect wherein Wilson teaches the usage of a timer to delay open

database commands. One of ordinary skill in the art at the time of the applicants'

invention would have found it obvious to incorporate the teachings of Wilson with the

teachings of Frailong. One of ordinary skill in the art would have been motivated to make such a combination as suggested by Wilson wherein Wilson teaches the importance of coherence between databases on separate servers (col. 2, ll. 50-58) and the reduction of error occurrences (col. 19, ll. 11-14).

17.   Claims 13, 15, 22, 23, 28, 30-32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frailong and Wall in view of Dan et al. (US 6,560,639 B1), hereinafter referred to as Dan.

18.   Regarding claim 13, Frailong teaches the configuration information being related to resources available to a client but does not explicitly teach the set of resources comprising disk space. However, in related art, the set of resources including disk space is deemed an obvious variation in view of Dan wherein Dan teaches the use of a database which is made available as a network resource to a client over a network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to incorporate the teachings of Dan with Frailong by providing a set of resources on the server including disk space in order to provide users an interface with a web management server side application. One of ordinary skill in the art would have been motivated to combine Dan with Frailong in order to enable a user to interface to remote disk space efficiently (Dan, col. 2, ll. 11-15).

19.   Regarding claim 15, Frailong teaches the configuration information being related to resources available to a client but does not explicitly teach the set of resources comprising memory space. However, in related art, the set of resources including memory space is deemed an obvious variation in view of Dan wherein Dan teaches the

use of a database which is made available as a network resource to a client over a

network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at

the time of the applicants' invention to incorporate the teachings of Dan with Frailong by

providing a set of resources on the server including memory space in order to provide

users an interface with a web management server side application. One of ordinary skill

in the art would have been motivated to combine Dan with Frailong in order to enable a

user to interface to remote memory space efficiently (Dan, col. 2, ll. 11-15).

20.   Regarding claim 22, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising communication bandwidth. However, in related art, the set of resources

including communication bandwidth is deemed an obvious variation in view of Dan

wherein Dan teaches the use of a database that is made available as a network

resource to a client over a network (fig. 2, item 50). It would have been obvious to one

of ordinary skill in the art at the time of the applicants' invention to incorporate the

teachings of Dan with Frailong by providing a set of resources on the server including

communication bandwidth in order to provide users an efficient or fast interface with a

web management server side application. One of ordinary skill in the art would have

been motivated to combine Dan with Frailong in order to enable a user to interface to

remote locations through efficient communication bandwidth (Dan, col. 2, ll. 11-15).

21.   Regarding claim 23, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising processor capacity. However, in related art, the set of resources including

processor capacity is deemed an obvious variation in view of Dan wherein Dan teaches

the use of a database which is made available as a network resource to a client over a

network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at

the time of the applicants' invention to incorporate the teachings of Dan with Frailong by

providing a set of resources on the server including processor capacity in order to

provide users an interface with a web management server side application. One of

ordinary skill in the art would have been motivated to combine Dan with Frailong in

order to enable a user to interface to remote processor capacity efficiently (Dan, col. 2,

ll. 11-15).

22.   Regarding claim 28, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising disk space. However, in related art, the set of resources including disk

space is deemed an obvious variation in view of Dan wherein Dan teaches the use of a

database which is made available as a network resource to a client over a network (fig.

2, item 50). It would have been obvious to one of ordinary skill in the art at the time of

the applicants' invention to incorporate the teachings of Dan with Frailong by providing a

set of resources on the server including disk space in order to provide users an

interface with a web management server side application. One of ordinary skill in the

art would have been motivated to combine Dan with Frailong in order to enable a user

to interface to remote disk space efficiently (Dan, col. 2, ll. 11-15).

23.   Regarding claim 30, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising memory space. However, in related art, the set of resources including memory space is deemed an obvious variation in view of Dan wherein Dan teaches the use of a database which is made available as a network resource to a client over a network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to incorporate the teachings of Dan with Frailong by providing a set of resources on the server including memory space in order to provide users an interface with a web management server side application. One of ordinary skill in the art would have been motivated to combine Dan with Frailong in order to enable a user to interface to remote memory space efficiently (Dan, col. 2, ll. 11-15).

24.   Regarding claim 31, Frailong teaches the configuration information being related to resources available to a client but does not explicitly teach the set of resources comprising communication bandwidth. However, in related art, the set of resources including communication bandwidth is deemed an obvious variation in view of Dan wherein Dan teaches the use of a database that is made available as a network resource to a client over a network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to incorporate the teachings of Dan with Frailong by providing a set of resources on the server including communication bandwidth in order to provide users an efficient or fast interface with a web management server side application. One of ordinary skill in the art would have been motivated to combine Dan with Frailong in order to enable a user to interface to remote locations through efficient communication bandwidth (Dan, col. 2, ll. 11-15).

25.   Regarding claim 32, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising processor capacity. However, in related art, the set of resources including

processor capacity is deemed an obvious variation in view of Dan wherein Dan teaches

the use of a database which is made available as a network resource to a client over a

network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at

the time of the applicants' invention to incorporate the teachings of Dan with Frailong by

providing a set of resources on the server including processor capacity in order to

provide users an interface with a web management server side application. One of

ordinary skill in the art would have been motivated to combine Dan with Frailong in

order to enable a user to interface to remote processor capacity efficiently (Dan, col. 2,

ll. 11-15).

26.   Regarding claim 35, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising disk space. However, in related art, the set of resources including disk

space is deemed an obvious variation in view of Dan wherein Dan teaches the use of a

database which is made available as a network resource to a client over a network (fig.

2, item 50). It would have been obvious to one of ordinary skill in the art at the time of

the applicants' invention to incorporate the teachings of Dan with Frailong by providing a

set of resources on the server including disk space in order to provide users an

interface with a web management server side application. One of ordinary skill in the

art would have been motivated to combine Dan with Frailong in order to enable a user

to interface to remote disk space efficiently (Dan, col. 2, ll. 11-15).

(10) Response to Argument

Claims 12, 14, 18, 26, 27, 29, 33, 34 and 36-38

1.   With respect to the rejection of claim 12 under 35 USC 103(a) as being

unpatentable over Frailong (US 6,496,858 B1) in view of Wall (US 2001/0037380 A1),

appellant argues (a) that the cited references fail to disclose, teach, or suggest "wherein

each application program configuration parameter defines at least in part a quantity of a

resource on the server available to the particular customer of a web hosting provider"

and (b) that one having ordinary skill in the art would find no motivation to combine Wall

with Frailong.

2.   With respect to argument (a), the examiner respectfully disagrees with the

appellant and submits that the rejection should be maintained. The claims have been

given the broadest reasonable interpretation consistent with the specification. The

examiner submits that Wall teaches within the claimed aspect of a "quantity of a

resource." Wall teaches, in paragraphs 0027-0028 on page 3, the administrator of a

web page, the particular customer of a web hosting provider, is given the capability to

designate the amount of web documents needed for the web site being maintained. The

administrator can easily make changes to a web site's content by adding additional web

pages or deleting existing pages from the current web site. The web documents are

stored upon the server farm (page 2, paragraph 0019, lines 2-5) and therefore require a

set amount of resources with respect to memory space. The administrator is therefore

given full control with respect to how much memory space is needed on the server farm with respect to how many web documents are required by the administrator for the web site. A set of resources must be provided to handle the serving of the web site to requesting clients (pp. 3-4, paragraph 0029). Therefore, the combination of Frailong and Wall teaches within the claimed scope of the limitation: "wherein each application program configuration parameter defines at least in part a quantity of a resource on the server available to the particular customer of a web hosting provider."

3.   With respect to argument (b), the examiner respectfully disagrees. The examiner recognizes and submits that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner maintains that both Frailong and Wall are directed to configuring and initializing networked devices (Frailong, col. 1, lines 25-28; Wall, p. 1, para. 0002). As set forth in the rejection of claim 1, one of ordinary skill would have been motivated Wall with Frailong wherein Wall teaches the direct access by users to handle network maintenance (i.e. web site maintainence) and be assisted by a network provider to help users that may lack the expertise necessary to maintain a web site (Wall, p. 1, para. 0002-3).

4.   With respect to the rejection of claim 18 under 35 USC 103(a) as being unpatentable over Frailong in view of Wall, appellant argues (c) that the cited references

fail to disclose, teach, or suggest "wherein each application program configuration parameter defines at least in part a quantity of a resource on the network server available to the particular customer of a web hosting provider" and (d) that one having ordinary skill in the art would find no motivation to combine Wall with Frailong.

5.   With respect to arguments (c) and (d), they are essentially the same as the arguments (a) and (b), discussed above. They are unpersuasive for the same reasons.

6.   With respect to the rejection of claim 26 under 35 USC 103(a) as being unpatentable over Frailong in view of Wall, appellant argues (e) that the cited references fail to disclose, teach, or suggest "each application program configuration parameter defines at least in part a quantity of a resource on the network server that are made available to a particular user of the network server" and (f) that one having ordinary skill in the art would find no motivation to combine Wall with Frailong.

7.   With respect to arguments (e) and (f), they are essentially the same as the arguments (a) and (b), discussed above. They are unpersuasive for the same reasons.

8.   With respect to the rejection of claim 33 under 35 USC 103(a) as being unpatentable over Frailong in view of Wall, appellant argues (g) that the cited references fail to disclose, teach, or suggest "wherein the application program configuration parameter defines a quantity of a resource on the server that is available to the particular user of the server" and (h) that one having ordinary skill in the art would find no motivation to combine Wall with Frailong.

9.   With respect to arguments (g) and (h), they are essentially the same as the arguments (a) and (b), discussed above. They are unpersuasive for the same reasons.

Claims 13, 15, 22, 23, 28, 30-32 and 35

10.   With respect to the rejection of claims 13, 15, 22, 23, 28, 30-32 and 35 under 35

USC 103(a) as being unpatentable over Frailong in view of Wall, and further in view of

Dan (US 6,560,639 B1), appellant argues (i) that the cited references, specifically Dan,

fails to teach or disclose: wherein the resource comprises "an amount of disk space,"

"an amount of memory space," "an amount of communication bandwidth" or "an amount

of processor capacity."

11.   With respect to argument (i), the examiner respectfully disagrees. With respect to

"an amount of disk space" as recited by claims 13, 28 and 35, the examiner submits that

Dan teaches in figure 2, item 50, the utilization of a database which is made available

as a network resource to a client over a network. Therefore, it is submitted that the

inclusion of disk space as a resource is deemed an obvious variation in view of Dan.

With respect to "an amount of memory space" as recited by claims 15, 30 and 35, the

examiner submits that Dan teaches in figure 2, item 50, the utilization of a database

which is made available as a network resource to a client over a network. Therefore, it

is submitted that the inclusion of disk space as a resource is deemed an obvious

variation in view of Dan. With respect to "an amount of communication bandwidth" as

recited by claims 22, 31 and 35, the examiner submits that Dan teaches in figure 2 the

providing of an efficient and/or fast interface to a database which provides a set amount

of communication bandwidth to clients over a network. Therefore, it is submitted that the

inclusion of communication bandwidth as a resource is deemed an obvious variation in

view of Dan. With respect to "an amount of processor capacity" as recited by claims 23,

32, and 35, the examiner submits that Dan teaches in figure 2 and column 2, lines 11-15 the enablement of a user to interface to a remote processor capacity efficiently in order to interact with a remote database/memory store. Therefore, it is submitted that the utilization of a certain amount of processor capacity as a resource is deemed an obvious variation in view of Dan. It is therefore submitted that the combination set forth of Frailong, Wall, and Dan, teach within the claimed scope of claims 13, 15, 22, 23, 28, 30-32 and 35.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Benjamin A. Ailes
/BAA/
Examiner, Art Unit 2442

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442

Conferees:

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442

/Larry D Donaghue/
Primary Examiner, Art Unit 2454